

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY WASHINGTON,  
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION, et al.,  
Defendants.

Case No. 22-cv-02454 BLF (PR)

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

(Docket No. 27)

Plaintiff, a state prisoner, filed a civil rights complaint pursuant to 42 U.S.C. § 1983, against an officer at the Salinas Valley State Prison (“SVSP”) where he was formerly incarcerated, and against the California Department of Corrections and Rehabilitation (“CDCR”), the State of California, and the Correctional Peace Officers Association union (“CPOA”). The Court ordered the amended complaint served on April 14, 2023. Dkt. No. 21. Defendants were granted an extension of time to file a dispositive motion until no later than October 12, 2023. Dkt. No. 26.

Plaintiff has filed a motion for appointment of counsel based on indigency, lack of legal knowledge, and for assistance with an upcoming deposition. Dkt. No. 27. Plaintiff also asserts that he would be better prepared to prosecute this matter with the aid of an

attorney. *Id.* There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. *See Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (no constitutional right to counsel in § 1983 action), *withdrawn in part on other grounds on reh'g en banc*, 154 F.3d 952 (9th Cir. 1998) (en banc). The decision to request counsel to represent an indigent litigant under § 1915 is within “the sound discretion of the trial court and is granted only in exceptional circumstances.” *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). Here, Plaintiff’s grounds are not exceptional among prisoner-plaintiffs. Accordingly, the motion is **DENIED** for lack of exceptional circumstances. *See Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004); *Rand*, 113 F.3d at 1525 (9th Cir. 1997); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

This order terminates Docket No. 27.

**IT IS SO ORDERED.**

**Dated:** August 14, 2023

  
BETH LABSON FREEMAN  
United States District Judge